



POLITICS AND LAW

Stage 3

WACE Examination 2011

Marking Key

Marking keys are an explicit statement about what the examiner expects of candidates when they respond to a question. They are essential to fair assessment because their proper construction underpins reliability and validity.

When examiners design an examination, they develop provisional marking keys that can be reviewed at a marking key ratification meeting and modified as necessary in the light of candidate responses

Section One: Short response

30% (30 Marks)

Part A: Unit 3A

Question 1

(10 marks)

- (a) Explain what is meant by the term 'representative government' in Australia. (2 marks)

Description	Marks
The answer explains the term recognising that members of parliament are elected by the people at regular intervals and are in parliament to represent the interests of the electorate. These representatives make decisions on their behalf. The government is the party/coalition/alliance/grouping that achieves the 'confidence' of the lower house.	2
The answer makes reference to elected members of parliament or majority/ lower house.	1
Total marks	2

- (b) Outline **one** aspect of Section 24 of the Commonwealth Constitution (Australia) and explain briefly its significance. (3 marks)

Description	Marks
The answer outlines one aspect of Section 24 (1 mark) and explains its significance (2 marks): House of Representatives is 'chosen by the people' and/ or the House of Representatives is near as practicable twice the size of the Senate and/or number to be elected proportional to population with a minimum of five for each original State. Significance could be in terms of democracy, federation, dominance of the House of Representatives in a joint sitting. 'Nexus clause' <i>per se</i> does not outline S24.	3
The answer outlines an aspect of S24 with some indication of its significance.	2
The answer refers to an aspect of S24 which could include nexus clause.	1
Total marks	3

- (c) Identify **two** specific powers of the Australian Parliament and compare these **two** powers with the powers of the legislature in another political system. (5 marks)

Description	Marks
The answer identifies two powers of Australian legislature which could include: to make laws for the peace, order and good government of the Commonwealth (s51); to test the confidence of the Parliament in the government of the day through censure motions/votes of confidence especially in the House of Representatives; to authorize appropriation (s81). The answer makes clear comparisons in terms of these two powers with the legislature in another system. This system must be clearly identified. Systems include Presidential/US Congress; Communist; military junta. Two distinct roles of parliament would be acceptable.	5
The answer identifies two powers/roles of the Australian legislature makes some pertinent comparisons.	3–4
The answer identifies one or two powers/roles.	1–2
Total marks	5

Question 2

(10 marks)

- (a) Explain the concept of a 'political mandate'. (2 marks)

Description	Marks
The answer indicates the concept or notion of 'the political mandate', with links to sovereignty of the people, arises from the claim (usually on behalf of the successful political party – or parties – or Independents) following an election, that their platform/ policies have been endorsed. The mandate is a moral rather than legal authority to translate its election policies into a program of government and administration.	2
The answer makes reference to either the claim of platform endorsement through election or the authority for translation to policy implementation.	1
Total marks	2

- (b) Explain why the Australian Senate and Senators could be considered to have a political mandate. (3 marks)

Description	Marks
<p>The answer explains that Senate seats, votes and even a 'balance of power' situation are sometimes claimed as a base for a Senate mandate. Both Governments and Oppositions, at various times, also make reference to their Senate mandate as all legislation must also be passed by the Senate to become law.</p> <p>The Senate elected on a state-wide proportional representation basis has a legitimate review and different representational role which it is sometimes contended is more reflective of the 'will of the people'. This is the rationale for the mandate.</p> <p>Examples of Senate mandate claims include Australian Democrats / GST legislation; Greens; Senator Brian Harradine and Senator Nick Xenophon.</p>	3
The answer makes reference to two reasons for the claim of a Senate mandate.	2
The answer makes reference to one reason for the claim of a Senate mandate.	1
Total marks	3

- (c) 'There is a tendency for a government to proclaim a mandate only when it suits.' Explain what is meant by this claim, and discuss **two** examples from Australian federal politics that support and/or refute the claim. (5 marks)

Description	Marks
<p>Explains the meaning: that the government of the day uses a mandate to argue its right to introduce/implement a policy when the opposition/minors/inds/Senate tend to oppose and raise problems when legislation is presented, but can also quite easily drop a policy that it has taken to the polls (and received a mandate for) when it is politically expedient i.e. it is deemed a vote loser. Examples could include:</p> <ul style="list-style-type: none"> • Introduction of legislation immediately after an election and being confronted with a hostile Senate. This is evident post 1988/Howard/GST; Rudd post 2007 and the revocation of Work Choices, replaced with Fair Work Australia legislation • Not implementing an election policy: Rudd post 2007 and the dropping of the ETS legislation which had been to the forefront of the 2007 election campaign • When a government flags the introduction of legislation without an obvious mandate, such as the Gillard government carbon tax legislation proposal (for which the Prime Minister claimed on the eve of the 2010 election that her government would not introduce. But argues that overall she has a mandate to introduce legislation as a result of being a minority government). 	5
Limited explanation of the meaning of the claim with limited examples; or limited explanation and discussion of only one example	3–4
Limited (if any) explanation of the meaning of the claim. Limited or no use of examples	1–2
Total marks	5

Part B: Unit 3B

Question 3

(10 marks)

- (a) Explain what is meant by the term 'popular participation' in a democracy. (2 marks)

Description	Marks
Popular participation usually encompasses voting for representatives, the right to join political parties and interest groups; freedom to criticise and challenge government; and freedom to communicate through the media. This is extended to all citizens.	2
The answer has only a broad idea of political participation in a democracy with one example (e.g. voting).	1
Total marks	2

- (b) Outline **three** ways in which Australia has promoted popular participation. (3 marks)

Description	Marks
The answer outlines three ways Australia has promoted popular participation including: the relatively early enactment of universal franchise, compulsory enrolment by citizens for State and Federal elections; compulsory voting for all adult registered voters (with a monetary fine without reasonable excuse for failure to cast a vote); availability of the opportunity to present petitions to Parliament, capacity to present submissions to Select or Standing Committees of the Parliament.	3
The answer outlines two ways of promoting popular participation.	2
The answer outlines one way of promoting popular participation.	1
Total marks	3

- (c) With reference to a country other than Australia, identify and explain **two** ways in which that country has undermined democratic principles. (5 marks)

Description	Marks
The answer nominates a country, identifies and explains two ways it has undermined democratic principles. Democratic principles could include: voting rights; freedom of assembly; laws upholding civil liberties; freedom of the press; majority rule; political and legal equality. For example, US and 'equal voting rights for all adult citizens'. The US Constitution 'Bill of Rights' Fourteenth Amendment (1870) prohibits the federal government and states from using a citizen's race, colour, or previous status as a slave as a qualification for voting. Yet, Supreme Court decisions, legislation and practices in various States effectively mean that equal voting rights for citizens have not been promoted. Examples of undermining have taken the form of difficult voter registration procedures, lack of absentee and postal voting options, use of faulty voting machine and partisan administration of elections. The answer could indicate that voting rights/ opportunities are not as limited today as in previous decades/ centuries.	5
The answer identifies, with limited explanation two ways the country has undermined democratic principles.	3–4
The answer identifies and/ or outlines one or two ways the country has undermined democratic principles.	1–2
Total marks	5

Question 4

(10 marks)

- (a) Explain what is meant by the term 'common law rights' in Australia. (2 marks)

Description	Marks
The answer clearly identifies a right that is granted as a result of a legal judgement delivered in the courts. (Mabo/Native land title). An example could be used to give meaning to 'a common law right' in this explanation, e.g. the right to silence has always been protected under common law and could indicate that a common law right can be overruled by legislation.	2
The answer could use an example/with some or little explanation.	1
Total marks	2

- (b) Outline **three** explicit rights found in the Commonwealth Constitution (Australia). (3 marks)

Description	Marks
The answer outlines three of the specific rights found in the Constitution; section numbers are not essential, for example: <ul style="list-style-type: none">• The right to stand for election to parliament (Chapter 1: Ss. 16, 34, 44 of the Constitution)• S.80 (The right to trial by jury if Commonwealth laws are broken. Leading Case: <i>R v Archdall & Roskrige; Ex parte Carrigan and Brown</i> (1928) 41 CLR 128)• S.51 (xxxi) the right to just compensation for assets taken by the Commonwealth)• S.116 (The commonwealth cannot make any laws which prohibit or impose any religious observance. Leading case: <i>Adelaide Company of Jehovah's Witnesses Inc. v Commonwealth</i> (1943) 67 CLR 116)• S.117 (the right to freedom for out-of-state residents. Leading case: <i>Street v Queensland Bar Association</i> (1989) 168 CLR 461)	3
The answer clearly outlines two of the specific rights found in the Constitution	2
The answer clearly outlines one of the specific rights found in the Constitution.	1
Total marks	3

- (c) With reference to a country other than Australia, identify and explain how human rights are protected in that country. (5 marks)

Description	Marks
The answer nominates the country, identifies and explains each of the methods by which it protects human rights; such ways could include common law, statute law or a constitution/Bill of Rights. Specific examples need to be used to highlight each method of protection.	5
The answer identifies the country and outlines how human rights are protected.	3–4
The answer indicates what rights, rather than how human rights are protected in a particular country.	1–2
Total marks	5

Section Two: Source analysis

20% (20 Marks)

Source 1: Unit 3A

Question 5

(20 marks)

- (a) Explain what is meant by 'the executives of government and opposition'. (2 marks)

Description	Marks
The answer identifies these as the ministry and shadow ministry with a brief explanation that each is the leadership and the decision making group within the government and opposition in the parliament.	2
The answer identifies it as the leadership but with no other explanation.	1
Total marks	2

- (b) Outline **four** roles of the Opposition in the Commonwealth Parliament. (4 marks)

Description	Marks
<p>Outlines four roles which could include:</p> <ul style="list-style-type: none"> • to debate, criticise, amend and vote on legislation; • to question the government/ ministers re their actions/ policies/ behavior especially at Question Time; • to propose motions to test the confidence of ministers and or government of the day; • to propose the establishment of committees especially in the Senate to investigate ministerial actions or key issues of the day. 	3–4
Two roles outlined or four roles identified.	2
Identifies or talks about a role of the opposition.	1
Total marks	4

- (c) With specific reference to **Source 1**, explain **two** consequences for the Commonwealth Parliament, (including the groups and individuals within it) of changes to Question Time over the last half-century. (6 marks)

Description	Marks
<p>The answer uses the data in explaining consequences.</p> <p>In relation to the long answers: government/ ministers have become less accountable; Ministers could give very long winded answers and not give relevant information thus the process was a waste of time.</p> <p>The answer identifies the reform to question time and indicates that the ministers may become more accountable.</p> <p>In relation to the monopoly of questions by the shadow front bench and key shadow ministers: backbenchers were unable to ask questions relevant to their particular electorate i.e. representative function ignored. Overall the dominance of parliament by the executive</p>	5–6
The answer uses data in minimal way and explains two consequences	3–4
The answer identifies one or two consequences for backbenchers/ opposition/ Parliament.	1–2
Total marks	6

- (d) Identify and evaluate **two** ways in which the Commonwealth Parliament has asserted itself over the Executive in recent years. (8 marks)

Description	Marks
There is an expectation that relevant examples are used in the discussion/ evaluation either in the positive or negative sense. The answer identifies two ways Parliament has asserted itself which could include: <ul style="list-style-type: none">• Senate estimates and ministerial accountability• the Senate and the legislative process;• post 2010 election and the changes wrought by the independents re the processes of parliament, including the debating of private member bills, question time in the House of Representatives.	7–8
Examples are used in the discussion and there is a limited attempt to evaluate the two identified ways Parliament has asserted itself.	5–6
The answer discusses two ways Parliament has asserted itself or just uses examples to highlight what has happened but not made connections to the question asked.	3–4
The answer outlines one or two ways that Parliament has asserted itself.	1–2
Total marks	8

Source 2: Unit 3B

Question 6

(20 Marks)

- (a) Explain what is meant by public confidence in the courts. (2 marks)

Description	Marks
The understanding that the courts are impartial and fair in all hearings and that the judges are competent and independent of outside influences.	2
The answer talks of either the judges or the courts in this context.	1
Total marks	2

- (b) Identify and explain **two** factors that reinforce public confidence in the courts. (4 marks)

Description	Marks
The answer identifies and discusses two separate factors using relevant examples in the discussion, such as: Courts hand down decisions where external influence is clearly not evident such as government or powerful interests, e.g. Mabo v Queensland No.2; Australian Communist Party V Commonwealth 1951. Courts decide cases fairly and according to law (sentencing of Justice Einfeld).	3–4
The answer identifies and explains two factors or merely identifies two factors.	2–3
The answer identifies one factor.	1
Total marks	4

- (c) Discuss how the judicial process contributes to the rule of law in Australia. (6 marks)

Description	Marks
The answer identifies and discusses aspects of the judicial process and links these with aspects of the rule of law. Aspects of the judicial process should include: known processes (pre-trial, trial and post-trial stages) – civil and criminal and the independent arbiter. Aspects of the rule of law include: people are not subject to the unhindered discretion of others; all obey known predictable and impartial rules of conduct; equality in the law; no punishment without the law; laws and their validity can be tested in the courts.	5–6
The answer outlines at least one aspect of the judicial process and makes limited links with aspects of the rule of law.	3–4
The answer gives an example of the judicial process and/or the rule of law and makes no links between the two.	1–2
Total marks	6

- (d) Apart from public confidence, identify and evaluate **two** processes that help to ensure judicial accountability in Australia. (8 marks)

Description	Marks
The answer identifies and then evaluates two processes which could include appeals, transparency of the courts and its processes; censure and removal of members of the judiciary. Each process would need to be fully explained and actual examples used to highlight the extent that there is judicial accountability as a result of each process.	7–8
The answer identifies and explains two processes. There is limited evaluation and limited use of examples.	5–6
The answer identifies and evaluates one process using appropriate examples or identifies and outlines two processes which help ensure judicial accountability in Australia.	3–4
The answer identifies one or two processes with little if any explanation of each.	1–2
Total marks	8

Section Three: Extended response

50% (50 Marks)

Part A: Unit 3A

Question 7

(25 marks)

‘Although federalism is a central feature of the Australian political and legal system it has changed markedly over time.’ Evaluate this claim.

Description	Marks
<ul style="list-style-type: none"> explains the concept of federalism at federation with features including: a central or national government, sovereign states, a division of powers between the national and State governments adjudicated by the High Court. Federalism, too, is a process conducted within a written constitutional framework explains that the Constitutional founders believed they had created ‘co-ordinate federalism’ with States having an array of residual powers and a Commonwealth exercising specific national responsibilities. The Commonwealth and the States were both financially and politically independent examines the extent to which there have been marked changes over time integrating relevant examples as part of the evaluation. These could include: <ul style="list-style-type: none"> (a) the change in the financial relationship from independence to dependence (b) the erosion of residual powers especially in the last 30 years either through financial powers or S96; S 51(29) (c) the move by the Commonwealth into areas traditionally seen as the domain of the States such as industrial relations (Work Choices) (d) executive/ coercive federalism in the last 20 years (e) increasing co-operation in key areas of government and national development through Premiers Conferences’ Councils of Ministers; COAG. A recognition that States/ particular States have often stood up to a ‘diktat’ from the Commonwealth. (f) possible discussion of contemporary co-ordinate federalism through COAG ‘to end the blame game’ in areas such as health, education, environment, industrial relations and water, but unlikely to yield significant outcomes. (g) Grants Commission recommendations on ‘horizontal balance’. discusses the federal judicial system, its establishment, e.g. Federal Court and an evaluation of whether there has been a marked change over time; constitutional structures and the clear separation of Commonwealth and State judiciaries, the jurisdictions of the courts (cross vesting decision) presents a conclusion that questions the claim in terms of federalism having changed markedly over time; in terms of political federalism – agrees that there has been a marked change but not necessarily in judicial federalism; whilst accepting that federalism is a central feature of the Australian political and legal system presents a reasoned balanced and coherent evaluation of the claim that federalism has changed markedly over time using relevant political and legal terminology. 	<p>23–25 Does most</p> <p>21–23 Does some</p>

Question 7 (continued)

(25 marks)

Description	Marks
<ul style="list-style-type: none"> explains the concept of federalism at federation with specific features explains 'co-ordinate federalism' with States having an array of residual powers and a Commonwealth exercising specific national responsibilities. The Commonwealth and the States were both financially and politically independent discusses the extent to which there have been marked changes over time integrating relevant examples and attempts some evaluation discusses to some extent the federal judicial system presents a conclusion that addresses the claim in terms of federalism having changed markedly over time; acknowledging some changes whilst accepting that federalism is a central feature of the Australian political and legal system presents a mostly reasoned, balanced and coherent but limited evaluation of the claim that federalism has changed markedly over time using relevant political and legal terminology. 	<p>18–20 Does most</p> <p>16–17 Does some</p>
<ul style="list-style-type: none"> outlines the concept of federalism at federation with some reference to specific features discusses the division of powers. The Commonwealth and the States were both financially and politically independent discusses to some extent the changes over time integrating some relevant examples presents a conclusion that addresses the claim to a limited extent in terms of federalism having changed markedly over time presents a discussion rather than an evaluation with some reason, balance and coherence about whether or not there has been a marked change in federalism over time using some relevant political and legal terminology. 	<p>13–15 Does most</p> <p>11–12 Does most</p>
<ul style="list-style-type: none"> outlines the concept of federalism at federation outlines the division of powers provides limited discussion of the changes over time with limited examples presents statements rather than a reasoned, balanced and coherent discussion about whether or not there has been a marked change in federalism over time using limited relevant political and legal terminology. 	<p>8–10 Does most</p> <p>6–7 Does some</p>
<ul style="list-style-type: none"> demonstrates minimal or no understanding of federalism and changes over time provides minimal or no reference to examples presents minimal statements and no discussion with minimal or no political and legal terminology. 	<p>3–5 Does most</p> <p>1–2 Does some</p>
Total marks	25

Question 8

(25 marks)

Evaluate the role and influence of political parties, compared to the role and influence of pressure groups, in the lawmaking process in Australia.

Description	Marks
<ul style="list-style-type: none"> discusses the role of both political parties and pressure groups in the lawmaking process in Australia identifies particular political parties and at least one pressure group; political parties could be referred to as government or opposition or minor or balance of power parties; not necessarily as ALP, LPA. Greens, Democrats, etc.; discusses their role and influence in the lawmaking process. Pressure groups – a discussion, using relevant examples of how and when involved in the lawmaking process either in legislation or through the courts. Possible consideration of the Climate Change Committee. integrates specific laws/particular processes as part of the discussion of the role and influence of political parties and pressure groups in the lawmaking process in Australia incorporates the lawmaking process which can range from influencing the introduction of legislation; the actual process of legislating in Parliament; being part of a court proceeding that leads to new law or a change in the law in the discussion makes a comparison regarding the relative role of political parties and pressure groups. And draws a conclusion regarding their relative role and influence in the lawmaking process in Australia presents a reasoned, balanced and coherent evaluation of the role and influence of political parties compared to pressure groups in the lawmaking process in Australia using relevant political and legal terminology. 	<p>23–25 Does most</p> <p>21–23 Does some</p>
<ul style="list-style-type: none"> discusses the role of both political parties and pressure groups in the lawmaking process in Australia identifies particular political parties and at least one pressure group. Political parties could be referred to as government or opposition or minor or balance of power parties; not necessarily as ALP, LPA., Greens, Democrats, etc.; discusses their role and influence in the lawmaking process pressure groups – a discussion, using relevant examples of how and when involved in the lawmaking process either in legislation or through the courts. integrates to some extent specific laws/particular processes as part of the discussion incorporates to some extent the lawmaking process makes some comparison regarding the relative role of political parties and pressure groups and attempts to draw a conclusion regarding their relative role and influence in the lawmaking process in Australia presents a mostly reasoned, balanced and coherent evaluation of the role and influence of political parties compared to pressure groups in the lawmaking process in Australia using relevant political and legal terminology. 	<p>18–20 Does most</p> <p>16–17 Does some</p>

Question 8 (continued)

(25 marks)

Description	Marks
<ul style="list-style-type: none"> • outlines the role of both political parties and pressure groups in the lawmaking process in Australia • identifies particular political parties and at least one pressure group. Political parties could be referred to as government or opposition or minor or balance of power parties, not necessarily as ALP, LPA. Greens, Democrats, etc.; outlines their role and influence in the lawmaking process • pressure groups – outlines, using relevant examples of how and when involved in the lawmaking process either in legislation or through the courts • makes some reference to specific laws/ particular processes as part of the discussion • incorporates to a limited extent the lawmaking process • makes limited comparison regarding the relative role of political parties and pressure groups; a limited conclusion regarding their relative role and influence in the lawmaking process in Australia • presents a discussion rather than a comparison using some relevant political and legal terminology. 	<p>13–15 Does most</p> <p>11–12 Does some</p>
<ul style="list-style-type: none"> • outlines the role of political parties and pressure groups in the lawmaking process in Australia • identifies particular political parties and at least one pressure group • makes limited reference to the lawmaking process and present statements regarding the role of political parties and pressure groups in the process • presents statements rather than a reasoned, balanced and coherent discussion and limited relevant political and legal terminology. 	<p>8–10 Does most</p> <p>6–7 Does some</p>
<ul style="list-style-type: none"> • demonstrates minimal or no understanding of political parties and pressure groups in the lawmaking process in Australia. • presents minimal statements and no discussion with minimal or no political and legal terminology. 	<p>3–5 Does most</p> <p>1–2 Does some</p>
Total marks	25

Question 9

(25 marks)

'The office of Governor-General is highly debatable in Australia in terms of: appointment; removal; powers and accountability.'

Evaluate this claim, making reference to specific Governors-General of Australia.

Description	Marks
<ul style="list-style-type: none"> explains the office of Governor-General within the executive in Australia outlines and examines the constitutional provisions re appointment and removal of the Governor-General and compares this with the convention; questions is it debatable outlines and examines the powers of the Governor-General , constitutional; convention; questions is it debatable examines the mechanisms/ processes/or lack of that hold the Governor-General accountable; questions 'Is it debatable?' integrates relevant sections of the constitution and refers to particular Governors-General in each aspect of the discussion could use 1975 as a bases for discussion of the republic and the Governor-General but would need to bring this discussion back to the key elements of the question, i.e. appointment and removal, powers, accountability and the office of Governor-General being debatable or not presents a reasoned, balanced and coherent discussion of whether or not the office of Governor-General is highly debatable in Australia using relevant political and legal terminology. 	<p>23–25 Does most</p> <p>21–23 Does some</p>
<ul style="list-style-type: none"> attempts to explain the office of Governor-General within the executive in Australia discusses the constitutional provisions re appointment and removal of the Governor-General and compares this with the convention discusses the powers of the Governor-General, constitutional; convention. discusses the mechanisms/processes/ or lack of that hold the Governor-General accountable makes some attempt to integrate into the discussion whether or not the office of Governor-General is highly debatable integrates some relevant sections of the constitution and refers to particular Governors-General in most aspects of the discussion presents a mostly reasoned, balanced and coherent discussion of whether or not the office of Governor-General is highly debatable in Australia using relevant political and legal terminology. 	<p>18–20 Does most</p> <p>16–17 Does some</p>
<ul style="list-style-type: none"> outlines the constitutional provisions re-appointment and removal of the Governor-General and compares this with the convention outlines the powers of the Governor-General; constitutional and convention. outlines the mechanisms/processes/or lack of that hold the Governor-General accountable makes general statements regarding whether or not the office of Governor-General is highly debatable integrates few if any relevant sections of the constitution and makes limited reference to particular Governors-General in the discussion presents a discussion rather than an assessment with some reason, balance and coherence of whether or not the office of Governor-General is highly debatable using some relevant political and legal terminology. 	<p>13–15 Does most</p> <p>11–12 Does some</p>

Question 9 (continued)

(25 marks)

Description	Marks
<ul style="list-style-type: none">presents statements about the powers, appointment and accountability of the Governor-Generalmakes limited reference to particular Governors-Generalpresents statements rather than a reasoned, balanced and coherent discussion of whether or not the office of Governor-General is highly debatable using limited relevant political and legal terminology.	8–10 Does most 6–7 Does some
<ul style="list-style-type: none">demonstrates minimal or no understanding of the office of Governor-General; the powers, appointment and accountability of the Governor-General and why perhaps these are debatablepresents minimal statements and no discussion with minimal or no political and legal terminology.	3–5 Does most 1–2 Does some
Total marks	25

Question 10

(25 marks)

‘Over time, particular individuals and groups within the Australian political and legal system have been disadvantaged.’

Evaluate this claim with specific reference to the experiences of **one** individual or group in Australia.

Description	Marks
<ul style="list-style-type: none">identifies the group or individual and examines their experiences in order to evaluate whether or not/extent to which they are disadvantaged within the Australian political and legal system; this could include: one law or body of laws; court proceedings; ability to participate in both the political and legal system; entrenched attitudes within society which impact on their experiences within the political and legal systemexplains the democratic principles underpinning the establishment and administration of the relevant public institutions and the rights and expectations of the people to which they applyintegrates relevant examples/factual detail/data in the examination of the claimweighs up the evidence relevant to the experiences of the individual or group identified and draws a conclusion on whether or not there is a legitimate claim of disadvantage within the Australian political and legal systempresents a reasoned, balanced and coherent evaluation of the claim that a particular individual or group is disadvantaged within the Australian political and legal system using relevant political and legal terminology.	23–25 Does most 21–23 Does some

Question 10 (continued)

(25 marks)

Description	Marks
<ul style="list-style-type: none"> identifies the group or individual and discusses their experiences and attempts to evaluate whether or not/extent to which they are disadvantaged within the Australian political and legal system discusses the democratic principles underpinning the establishment and administration of the relevant public institutions and the rights and expectations of the people to which they apply attempts to integrate some relevant examples/ factual detail/ data in the examination of the claim attempts to weigh up the evidence relevant to the experiences of the individual or group identified and attempts to draw a conclusion on whether or not there is a legitimate claim of disadvantage within the Australian political and legal system presents a mostly reasoned, balanced and coherent evaluation of the claim that a particular individual or group is disadvantaged within the Australian political and legal system using relevant political and legal terminology. 	<p>18–20 Does most</p> <p>16–17 Does some</p>
<ul style="list-style-type: none"> identifies the group or individual and discusses aspects of their experiences and makes statements regarding whether or not they are disadvantaged within the Australian political and legal system makes some attempt to outline the rights and expectations of the people to which they apply includes some relevant examples/ factual detail/ data in the discussion of the claim presents a discussion rather than an evaluation of the experiences of the individual or group identified and makes statements on whether or not there is a legitimate claim of disadvantage within the Australian political and legal system presents a discussion rather than a reasoned, balanced and coherent evaluation of the claim that a particular individual or group is disadvantaged within the Australian political and legal system using relevant political and legal terminology. 	<p>13–15 Does most</p> <p>11–12 Does some</p>
<ul style="list-style-type: none"> identifies the group or individual and makes general statements regarding aspects of their experiences and makes general statements regarding whether or not they are disadvantaged within the Australian political and legal system limited relevant evidence and data is used presents statements rather than a reasoned, balanced and coherent evaluation of the claim that a particular individual or group is disadvantaged within the Australian political and legal system using limited relevant political and legal terminology. 	<p>8–10 Does most</p> <p>6–7 Does some</p>
<ul style="list-style-type: none"> demonstrates minimal or no understanding of the experiences of a particular group or individual in Australia with respect to the claim of disadvantage in the political and legal system presents minimal statements and no discussion with minimal or no political and legal terminology. 	<p>3–5 Does most</p> <p>1–2 Does some</p>
Total marks	25

ACKNOWLEDGEMENTS

- Source 1** Adapted from: Cohen, B. (2010, November 3). Silence from the backbench. *The Australian*, p. 14.
- Source 2** Excerpt from: Gleeson, M. (2007). *Public confidence in the courts* [Speech]. Retrieved April 5, 2011, from <http://njca.anu.edu.au/Professional%20Development/programs%20by%20year/2007/Confidence%20courts/papers/Gleeson.pdf>.